

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HOPE MARGIE RATHBUN,

Defendant.

CR-15-59-BLG-SPW-CSO

**FINDINGS AND
RECOMMENDATION OF
U.S. MAGISTRATE JUDGE**

The Defendant, by consent, appeared before me under Fed. R. Crim. P. 11 and entered a plea of guilty to Counts III and V of the Indictment. Count III charges the crime of conspiracy to distribute methamphetamine in violation of 21 U.S.C. § 846. Count V charges the crime of possession of a firearm in furtherance of a drug trafficking crime in violation of 18 U.S.C. § 924(c)(1)(A). Also, Defendant has agreed to the forfeiture of the Ruger Model Mini 30, .762 caliber rifle (S/N 189-30600).

After examining the Defendant under oath, the Court determined:

1. That the Defendant is fully competent and capable of entering an informed and voluntary plea to the criminal offenses charged against her;

2. That the Defendant is aware of the nature of the charges against her and the consequences of pleading guilty to the charges;

3. That the Defendant fully understands her pertinent constitutional rights and the extent to which she is waiving those rights by pleading guilty to the criminal offenses charged against her; and

4. That her plea of guilty to the criminal offenses charged against her is knowingly and voluntarily entered, and is supported by independent factual grounds sufficient to prove each of the essential elements of the offenses charged.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that Defendant fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true.

Therefore, I recommend that the Defendant be adjudged guilty of Counts III and V in the Indictment and that sentence be imposed.

Objections to these Findings and Recommendation are waived unless filed and served within fourteen (14) days after the filing of the Findings and Recommendation. 28 U.S.C. § 636(b)(1)(B); Fed. R. Crim. P 59(b)(2).

DATED this 6th day of April, 2016.

/S/ Carolyn S. Ostby
United States Magistrate Judge